

Amendment  
Serial No. 10/051,048  
Attorney Docket No. 020011

**REMARKS**

Claims 1-4, 6, 7 and 19-26 are pending in the present application. All pending claims are rejected. Various claims are amended herein. Applicants submit no new matter is believed to have been introduced through said claim amendments. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated October 04, 2007.

**Specification Objections**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. On page 5 of the Office Action, the Examiner has specified various recitations of claims 19, 20, 24, 25 and 26 within items 3a-3e of the objection as requiring correction. Applicants submit these claims have been amended as appropriate.

Accordingly, favorable reconsideration and withdrawal of the objection is respectfully requested.

**Rejections under 35 USC § 112**

Claims 19, 20, 24, 25 and 26 stand rejected under the second paragraph of 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter contained therein. In response, the Applicants have amended these claims in view of the Examiner's comments. Applicant's submit that these claims now more fully satisfy the requirements of 35 U.S.C. § 112.

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Furthermore, currently amended claims 19, 20, 24, 25 and 26 (system claims) are supported by the specification, respectively, as illustrated in the spreadsheet below.

Claim 19	Page 29, line 4 to page 30, line 8; Page 39, line 1 to page 40, line 11 Sales Database 31; and Secondhand Machine Sales Server 32
Claim 20	Page 15, line 4 to page 16, line 10, service database 21, and service business system 20
Claim 24	Page 29, line 4 to page 30, line 8 and secondhand machine sales server 32
Claim 25	Page 15, line 4 to page 16, line 10; page 39, line 1 to page 40, line 11 Sales business system 30 and secondhand machine sales server 32
Claim 26	Page 15, line 4 to page 16, line 10; page 39, line 1 to page 40, line 11 Rental business system 10 and secondhand machine sales server 32

Accordingly, Applicant's respectfully submit that the rejection under 35 U.S.C. § 112 is overcome.

#### Rejections under 35 USC § 102

Claims 1, 7, 19, 21 and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Finch (USPN 6,850,902).

Claim 1 is amended to recite, "a usage data collection step in which usage data showing facts relating to usage of a plurality of articles construction machines are collected automatically."

Finch relates to a method for tracking information and title history of selected equipment and describes registered users inputting new data, updating existing data, or requesting replacement titles. (Finch; column 2, lines 31-33). The reference further states that once a user accesses a central database and is authenticated, said user is able to input various information

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(such as inputting a title history file identifier, such as a serial number or title number; input a new equipment record ; update an existing record; etc.). (Finch; column 2, line 61 to column 3, line 6).

Furthermore, in the most recent Amendment, Applicants argued on page 14, lines 4-5, “Finch is directed at title history records being obtained only at the original creation of the record, when the record needs to be updated due to an event such as the owner moving, a change in lien status, etc., or when the equipment is sold. The information in Finch is inputted manually.”

In the Response to Arguments section on page 3, lines 8-10 of the outstanding Office Action, the Examiner asserts “Applicant argues that the information in Finch is manually inputted. In response, Examiner submits that there is no claim limitation in Applicants’ claims which shown that the data is automatically collected by the machine itself.”

In view of the foregoing, Applicants have amended claim 1 as appropriate to more precisely describe the usage data collection step recitation. As information in Finch is manually inputted, Applicants respectfully submit the data collection in Finch does not occur automatically.

Thus, as Finch fails to teach all of the recitations of at least claim 1; for example, “a usage data collection step in which usage data showing facts relating to usage of a plurality of construction machines are collected automatically”, Applicants respectfully request favorable reconsideration and withdrawal of the rejection of claim 1.

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Further, the various other independent claims (claims 19, 22 and 25) have been similarly amended to recite "automatically"; henceforth, these claims also patentably define over the cited art under 35 U.S.C. 102(e) for at least somewhat similar reasons to the arguments presented previously toward claim 1 over Finch.

Additionally, regarding claims 1 and 19, the following differences are apparent between said claims of the present application and Finch.

Each construction machine has been used in the usage field which is selected from among a plurality of usage fields which differ from each other as to a workload placed on a construction machine. This means each construction machine can be used in said plurality of usage fields. One feature of claims 1 and 19 is determining the total operating hours by usage field for each construction machine.

Another feature of claims 1 and 19 is displaying identification information of said plurality of usage fields and the total operating hours by usage field on a display and providing the display to a customer.

On the other hand, Finch fails to describe construction machines which can be used in a plurality of usage fields. Finch only describes equipment that can be used only with one usage field such as "firm, lawn, and industrial equipment" (column 1 line 52-67).

Thus, the recitations of claims 1 and 19 are quite different from Finch. In view of the foregoing, Applicant's respectfully submit that the rejection is overcome.

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**Rejections under 35 USC § 103**

Claims 22, 23, 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Finch (USPN 6,850,902).

Claim 22 has been amended to recite, “a usage data collection step in which usage data showing facts relating to usage of a plurality of construction machines are collected automatically.” The foregoing arguments regarding information in Finch being manually input, and therefore data collection not occurring automatically in Finch are applicable here where appropriate. Independent claim 25 has been similarly amended to recite “automatically.”

For at least the foregoing reasons, independent claims 22 and 25 are distinguishable over the cited art and recite patentable subject matter. Favorable reconsideration is earnestly solicited.

Claims 2-4 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Finch (USPN 6,850,902) in view of Ukai (USPA 2003/0191581).

Claims 2-4 depend directly from independent claim 1. Accordingly, the arguments presented previously over Finch regarding claim 1 are applicable here where appropriate. Ukai fails to remedy the aforementioned deficiencies of Finch.

Claim 20 depends directly from independent claim 19. Accordingly, the arguments presented previously over Finch regarding claim 19 are applicable here where appropriate. Ukai fails to remedy the aforementioned deficiencies of Finch.

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Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Finch (USPN 6,850,902) in view of Rose Jr. (USPN 6,076,064).

Claim 6 depends from claim 1 and is patentable for at least the reasons presented above regarding the differences of claim 1 over Finch. Nothing has been cited in Rose which overcomes the deficiencies of Finch.

In view of the foregoing, Applicant's respectfully submit that the rejection is overcome.

Furthermore, when a customer select a construction machine, the customer finds out the total operating hours by usage field of the selected construction machine in this invention. A plurality of usage fields differ from each other as to a workload placed on a construction machine. Therefore, if total operating hours of all usage fields of construction machine A and construction machine B are equal and component ratio of total operating hours by usage fields of construction machine A and construction machine B are different, total workloads which have been placed on construction machine A and construction machine B are different. In consequence, when construction machine A and construction machine B are put up for sale as secondhand construction machines, their value is different from each other.

Customers can find out the difference of total operating hours by usage fields of construction machines according to this invention. Further, customers are easy to find the difference because the total operating hours by usage fields are displayed on the display in this invention.

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But, according to Finch, customers can only know total operating hours of one usage field for each equipment. So customers cannot find out a difference of total workloads between same kinds of equipments.

As a result of the above argument, an unpredictable result is obtained by this invention; the unpredictable result is that customers can find out the value of secondhand construction machines based on the total operating hours by usage fields of construction machines. Accordingly, Applicant's respectfully submit that the embodiments of the present application were unobvious at the time the invention was made.

Additionally, regarding claim 22 and 25, construction machines of these claims can be attached with one or more attachments. One of features of these claims is determining total operating hours by attachment being attached to each construction machine.

On the other hand, Finch fails to describe any attachment of equipments.

Attachments, in general, can be attached and detached to construction machines. If an attachment attached to a construction machine has been used for a long time and used up, the attachment needs to be replaced with a new one.

According to embodiments of the application, customers can find out how the attachment uses up and predict when the attachment uses up and needs to be replaced, because total operating hours by attachment being attached to each construction machine is provided to the customers. Further, the customers are easy to find the total operating hours by attachment

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because the total operating hours by attachment are displayed on the display in embodiments of this application.

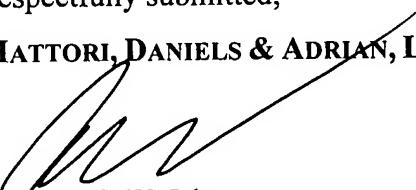
As a result of the above argument, embodiments of the present application obtain an unpredictable result; the unpredictable result is that customers find out how each attachment attached to construction machines uses up and predict replacement timing of each attachment. Applicant's respectfully submit that this invention was unobvious at the time of the invention was made.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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